REMARKS

The Official Action mailed June 10, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on July 14, 2006; November 15, 2006; and February 11, 2009.

Claims 1-4 are pending in the present application, of which claims 1-3 are independent. Claims 1-3 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-4 as obvious based on the combination of U.S. Patent No. 5,790,527 to Janky and U.S. Publication No. 2001/0031624 to Schmutz. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the

art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1-3 have been amended as noted in detail above. The present invention is unique in adopting arrangement by which an FDMA wireless terminal can communicate directly via a repeater relay station (without involving an FDMA relay station) with a repeater wireless terminal, the arrangement comprising, for example, the following processing steps (i) to (vi):

(i) A repeater relay station forwards a call signal received from a repeater wireless terminal to an FDMA relay station.

(ii) The FDMA relay station sets the forwarded call signal control signal which is in turn transmitted to an FDMA wireless terminal.

(iii) The FDMA wireless terminal, which has received the control signal, detects on the basis of the received control signal (a) that the call signal is from the repeater wireless terminal, and (b) a downlink of the repeater relay station is f_2.

(iv) The FDMA wireless terminal switches its own reception frequency from a (current) downlink frequency f_3 of the FDMA relay station to the downlink frequency f_2 of the repeater relay station.

(v) The repeater relay station receives a signal transmitted by the repeater wireless terminal to relay-transmit a voice signal contained in the received signal to the downlink frequency f_2.

(vi) The FDMA wireless terminal, whose reception frequency has been switched to the downlink frequency f2, receives the voice signal from the repeater wireless terminal so that the FDMA wireless terminal communicates via the repeater relay station with the repeater wireless terminal.

These features, which are clearly recited in the amended claims, are supported in the present specification, for example, by at least the following descriptions in the present specification (page 6, lines 1-25):

> ... The repeater wireless signal 3 transmits a call signal of the FDMA wireless terminal 4 on the uplink frequency f1 to the repeater relay station 1. After receiving this call signal, the repeater relay station 1 serially forwards the signal to the FDMA relay station 2 via the communication line 6. The FDMA relay station 2 sets this call signal for a control signal of the downlink control channel frequency f3 and transmits it into the wireless network using FDMA system. The FDMA wireless terminal 4 in a waiting condition receives this call signal. Furthermore, it detects the downlink frequency f2 of the repeater relay station 1 from reception frequency information set in the wireless terminal in advance, based on information about the call signal, and switches the downlink control channel frequency f3 to the downlink frequency f2. The repeater relay station 1 receives the signal which the repeater wireless terminal 3 has transmitted on the uplink frequency, forwards the call signal to the FDMA relay station 2, and relay-transmits a voice signal to the downlink frequency f2. Accordingly, the FDMA wireless terminal 4 which has switched the reception frequency to f2 receives the voice signal of the repeater wireless terminal 3 and starts communication.

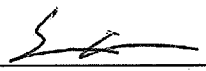
The Applicant respectfully submits that Janky and Schmutz, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Since Janky and Schmutz do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789